

A.N.: 10/668,918
Reply to Office Action of January 6, 2006
Docket No.: 59013-331609
Page 3

Listing of the Claims:

Claims 1 - 27 (CANCELED)

28. (Previously presented) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

a flexible and compliant, biomedical material formed in a jacket having an internal volume and an opening exposing said internal volume;

said jacket sized for jacket to be placed over said heart with an apex of said heart passed through said opening and with at least a ventricular portion of said heart received within said volume, said jacket further sized to present a resistance to diastolic expansion;

said material of said jacket including at least a shape-memory material.

29. (Previously presented) An apparatus according to claim 28 wherein said material is elastic.

30. (Previously presented) An apparatus according to claim 28 wherein said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

31. (Previously presented) An apparatus according to claim 28 wherein said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.

32. (Previously presented) An apparatus according to claim 28 wherein said jacket is sized to be applied to the epicardium of the heart.

33. (Previously presented) An apparatus according to claim 28 wherein said jacket is sized to be applied to the pericardium of the heart.

A.N.: 10/668,918
Reply to Office Action of January 6, 2006
Docket No.: 59013-331609
Page 4

34. (Previously presented) An apparatus according to claim 28 wherein said shape memory material is disposed at least circumferentially around a base of said jacket.

35. (Previously presented) An apparatus according to claim 28 wherein said shape memory material is disposed to reduce a size of said jacket following placement.